IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/07/2002

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THE HONOURABLE MR.JUSTICE R.JAYASIMHA BABU
AND
THE HONOURABLE MR.JUSTICE E.PADMANABHAN

W.P.No.No. 2573 of 1995

N.Paulvasanthakumar .. Petitioner

-vs-

1. The High Court,
Madras,
rep. by its Registrar,
Madras-104.

2. The Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Madras-9.

3. The Government of India,
rep.by its Secretary,
Home Department,
Lok Nayak Bhavan,
New Delhi-3. ..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of writ of mandamus as stated therein.

For Petitioner : Mr.Ravichandrabaabu

For respondents : Mr.S.T.S.Murthy, Spl.GP.

:ORDER

(The order of the Court was made by R.JAYASIMHA BABU , J.)
The prayer in the writ petition is for issue of a writ of mandamus to the Government of India as also to the Government of Tamil Nadu to have national flags affixed on the cars of the Hon'ble Judges of this High Court and to restrain them from giving any impediment to the use of the national flag on the cars of the Hon'ble Judges of this High Court.

2. When the matter was taken up for hearing, learned counsel for the

State Government placed before us the Flag Code of India, 2002 issued by the Government of India, which took effect from the 26th of January 2002. That Code, in Para 3.44 sets out the persons to whom the privilege of flying national flag on motor cars is limited. It reads thus:-

"3.44 The privilege of flying the National flag on motor cars is limited to the:-
(1) President;
(2) Vice-President;
(3) Governors and Lieutenant Governors;

(4) Heads of Indian Missions/Posts abroad in the countries to which they are accredited;

(5) Prime Minister and other Cabinet Ministers;

Ministers of State and Deputy Ministers of the Union;

Chief Minister and other Cabinet Ministers of a State or Union Territory;

Ministers of State and Deputy Ministers of a State or Union Territory;

(6) Speaker of the Loke Sabha; Deputy Chairman of the Rajya Sabha; Deputy Speaker of the Lok Sabha; Chairmen of Legislative Councils in States

Speakers of Legislative Assemblies in States and Union territories.

Deputy Chairmen of legislative Councils in States;

Deputy Speakers of Legislative Assemblies in States and Union territories;

(7) Chief Justice of India; Judges of Supreme Court; Chief Justice of High Courts; Judges of High Courts."

Therefore, the position as of today is that the privilege of flying the national flag on motor cars is limited to persons holding the offices mentioned in Clauses (1) to (7) of paragraph 3.44.
3. We may also notice here paragraph 3.45 of the same Flag Code, which provides that the dignitaries mentioned in Clauses (5) to (7) of para 3.44 may fly the national flag on their motor cars whenever they consider it necessary or advisable. It is, therefore, a matter of discretion of the holders of the offices mentioned in Clauses (5) to (7) of paragraph 3.44.
4. Honourable Judges of this Court are thus entitled to fly the national flag on their motor cars whenever they consider it necessary or advisable.
5. The respondents being bound by the Flag Code they shall give full effect to the same.
6. The writ petition is disposed off accordingly.

Copy to

1. The Registrar,
High Court,
Madras,

2. The Chief Secretary,
The Government of Tamil Nadu,
Fort St. George,
Madras-9.

3. The Secretary,
Home Department,
Government of India,
Lok Nayak Bhavan,
New Delhi-3.

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Internet : Yes.